C.S. No. 54 of 2007

4.5.2007 Present: Mr. Anuj Nag, Advocate, for the plaintiff.

None for the defendant.

OMP No. 160 of 2007 & C.S. No. 54 of 2006:

The plaintiff alleged that the defendant is owner in possession of the land as detailed in the plaint to the extent of 19/75th shares out of the total land and the defendant had agreed to sell 5-05 Bighas of land out of total land as detailed in the plaint in favour of the plaintiff for a sale consideration of Rupees Eighteen Lacs vide agreement dated 17th April, 2005.It was alleged that the entire sale consideration had been paid to the defendant who also gave possession to the plaintiff and the sale deed was to be executed within three weeks after execution of the agreement. The plaintiff approached the defendant, but no sale deed was executed. Hence, a notice was issued upon the defendant and since the plaintiff had been willing and ready to perform his part of the agreement, but the defendant has failed to perform his part of agreement, hence the suit for specific performance filed by the plaintiff.

Defendant appeared and efforts were made for reconciliation. The defendant filed written statement admitting all the allegations made in the plaint, but only pleaded that the plaintiff should bear the expenses for stamp fees, for which the plaintiff had made an offer in the plaint itself, though, there is no specific provision in the agreement in this regard.

Keeping in view the admission made by the defendant in the written statement and the fact that there is no dispute in between the parties, the suit of the plaintiff for specific performance of the contract dated 17th April, 2005 is decreed and the defendant shall execute the sale deed within a period of two months from today, failing which, the plaintiff can apply to this Court for execution of the decree. In view of the fact that the defendant has admitted the allegations made in the plaint, the parties are left to bear their own costs. Accordingly, the suit is decreed as aforesaid. Decree sheet be prepared accordingly.

OMP No. 469 of 2006:

Allowed.

OMP No. 360 of 2006:

In view of the orders passed in the main suit, this application stands disposed of and the interim order dated 8.11.2006 shall stand vacated.

May 4, 007 **(V.K. Ahuja), J.**
(BSS)